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SENATE BILL 940

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Stuart Ingle

AN ACT

RELATING TO THE ENVIRONMENT; PROVIDING FOR RESTRICTIONS ON THE
ADOPTION AND ENFORCEMENT OF REGULATIONS RELATING TO OPEN-FIRE
BURNING BY THE ENVIRONMENTAL IMPROVEMENT BOARD.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 74-2-11.1 NMSA 1978 (being Laws 1979,
Chapter 393, Section 7, as amended) is amended to read:

"74-2-11.1. LIMITATIONS ON REGULATIONS. --The Air Quality
Control Act does not:

A. authorize the environmental improvement board or
the local board to:

(1) make any regulation with respect to any
condition or quality of the outdoor atmosphere if the condition
or air quality level and its effect are confined entirely
within the boundaries of the industrial or manufacturing

underscored material = new
[bracketed material] = delete

1 property within which the air contaminants are or may be
2 emitted and public access is restricted within such boundaries;

3 (2) make any regulation that prohibits open-
4 fire burning by a person when the burning occurs one-half mile
5 or more from all occupied dwellings not owned by the person;

6 and

7 (3) enforce any regulation relating to open-
8 fire burning when the burning does not result in pollution that
9 does not exceed federal standards or regulations;

10 B. grant to the environmental improvement board or
11 the local board any jurisdiction or authority affecting the
12 relation between employers and employees with respect to or
13 arising out of any condition of air quality; or

14 C. supersede or limit the applicability of any law
15 relating to industrial health, safety or sanitation. "

16 Section 2. EFFECTIVE DATE. --The effective date of the
17 provisions of this act is July 1, 2005.